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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,093	03/12/2004	Robert Kagermeier	P04,0070	7602

7590 12/11/2006  
SCHIFF HARDIN LLP  
Patent Department  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, IL 60606

EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT PAPER NUMBER

2612

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

10/799,093

Applicant(s)

KAGERMEIER ET AL.

Examiner

Edwin C. Holloway, III

Art Unit

2612

All participants (applicant, applicant's representative, PTO personnel):

(1) Edwin C. Holloway, III.

(3) \_\_\_\_\_.

(2) Melvin A. Robinson.

(4) \_\_\_\_\_.

Date of Interview: 06 December 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1, 7 and 15-30.

Identification of prior art discussed: See attached Interview Summary Continued.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attached Interview Summary Continued.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**INTERVIEW SUMMARY CONTINUED**

1. Prior art discussed:

Tockweiler (US 6074388), Platte (US 4728949) and Lussi (US 4872657), Welling (US006611979B2), Roberts (US005900715A).

2. Substance of interview:

Discussed items on attached agenda faxed by applicant. The proposed amendment to claims 17 and 25 would overcome the 112 rejection in the Final Action. The proposed amendments to claims 1 and 7 appear to move in the direction of overcoming the 102 rejection, but would require further consideration and/or search. The examiner noted that although Tockweiler describes the transmitter in the holder when not in use, the function of charging while in the holder is a "use" of the transmitter. Further, Platte and Welling teach operating elements on a transmitter in use for remote control while in a holder. There is nothing Tockweiler or Roberts to prevent use while charging. The examiner suggested that claims be amended so that the length to provide plurality of mounting locations differentiates over a plug allowing use while partially or fully inserted into a socket. Arbitrary mounting location along entire length of rail where rail extends along entire length of a patient positioning table was suggested by applicant and would be considered when formally submitted. Applicant's representative argued separate

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spaced apart support and power rails, but this is not required by the claims. New claims with hooked shaped support and contacts on the remote and relative positions of the contact rail and support rail being arranged so that force of gravity causes the contacts on the remote to be brought into effective contact with the contact rail when the remote is rotated onto the support rail would require further consideration and search. Filing of an RCE was suggested by the examiner.

#### **CONTACT INFORMATION**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 571-272-4100 or toll free at 1-866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at [ebc@uspto.gov](mailto:ebc@uspto.gov). The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600. Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center.


**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile

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transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number. Inquiries concerning only hours and location of the Customer Window may be directed to OIPE Customer Service at (571) 272-4000

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308.

EH  
12/7/06

  
EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
ART UNIT 2612

# Proposal/Agenda for Interview

Do Not Enter  
12-6-06 *SH*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Discussion Points for Telephone Interview

APPLICANT: Robert Kagermeier      GROUP ART UNIT: 2612  
SERIAL NO.: 10/799,093      EXAMINER: Edwin C. Holloway III  
FILING DATE: March 12, 2004      CONFIRMATION NO.: 7602  
INVENTION: TECHNICAL DEVICE AND ASSOCIATED REMOTE CONTROL

Via Facsimile

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Applicant thanks the Examiner for agreeing to discuss the present application with Applicant's representative via telephone. Applicant's representative will call the Examiner to reset a time for the telephone interview.

Applicant proposes to discuss the following points during the telephone interview.

- Claims 17 and 25 will be amended to claim "said contact rail", thereby providing antecedent basis from the claimed term in claims 1 and 7, respectively.
- Applicant proposes to amend Claims 1 and 7 to provide that the contact rail and the support rail are of a length so as to provide a plurality of mounting locations of said remote control on said support rail while providing an effective connection between the remote control and said contact rail at the plurality of mounting locations so that the remote control can be mounted at and used at arbitrary locations along the rails and so that the remote control receives power from the contact rail at the plurality of arbitrary locations.
- The prior art does not show a remote control that can be mounted at arbitrary locations along a support rail and contact rail so as to provide an effective connection between the


remote control and the contact rail while permitting use of the remote control at the arbitrary locations.

- Tockwieler shows that the remote control can only be charged while hung on the hook shaped holder 24 and further the reference provides that the remote is hung on the holder when not in use. Arbitrary locations for the remote control while connected for charging are not possible. An elongated contact rail and an elongated support rail are not shown.
- Platte shows a television remote control that can be mounted in a recess in the television where contacts permit charging of the battery and an optical fiber transmit control signals to the television. Arbitrary locations for the remote control are not shown.
- Luessi shows an operating table with controls that permit changing the position of the table top. A remote control is shown generally. No mounting of the remote control is seen.
- Welling shows a hospital bed with an extendable foot portion and a controller mounted on a side security panel of a hospital bed where the remote is supported between two rails to permit movement of the control along the rails to a position that is convenient for the patient to reach. The controller is connected via a cord to the bed. No connection to a contact rail is shown.
- Roberts shows a plurality of cordless battery-operated speakers magnetically fastened to an elongated rack for charging. Use of the speakers while mounted on the rack is not disclosed. A separate support rail and contact rail are not shown.
- The proposed change to claims 1 and 7 distinguish over the prior art, even when considered in combination.
- Dependent claims 15 – 30 presented as new claims in the previous amendment will be discussed.
- Proposed new claims are being considered and will be discussed during the interview. The new claims as proposed are directed to the shape of the remote control and its

interconnection with shaped surfaces on the technical device will be discussed. These claims propose to claim the hook-shaped support and the contacts on the remote and the relative positions of the contact rail and support rail being arranged so that the force of gravity causes the contacts on the remote to be brought into effective contact with the contact rail when the remote is supported by the support on the support rail. Specifics of the shape may be added to dependent claims.

Please contact the undersigned if you have any questions or comments.

Respectfully submitted,



Melvin A. Robinson (Reg. No. 31,870)

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**CUSTOMER NO. 26574**

**ATTORNEY FOR APPLICANT**

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